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National Public Lands Advisory Council

November 14-15, 1985

Washington, D.C.

Summary

The National Public Lands Advisory Council (See Attachment A for roster) held its third meeting of Calendar Year 1985 in Washington, D.C., on November 14 and 15.

During the 2-day session (See Attachment B for agenda), the Council:

Heard formal presentations by:
- -- Donald P. Hodel, Secretary of the Interior
- -- Ann D. McLaughlin, Under Secretary of the Interior
- -- J. Steven Griles, Interior Assistant Secretary-Designate for Land and Minerals Management
- -- A. Alan Hill, Chairman, Council on Environmental Quality

Heard presentations on, and discussed, among other items:
- -- The "Take Pride in America" Campaign
- -- Interior's Park Protection Working Group
- -- Worst Case Analysis Regulations
- -- The Experimental Stewardship Program
- -- Riparian Area Management Policy
- -- Federal Coal Leasing and Onshore Oil and Gas Leasing
- -- The Wild Horse and Burro Program

Heard oral statements from the following persons/organizations:
- -- Gerald Tewes, Grazing Fee Task Force Chairman, Public Lands Council
- -- James Courtney, Public Lands Committee Chairman, National Cattlemen's Association

Adopted resolutions concerning:

- -- Public Awareness Campaign -- "Take Pride in America"
- -- Consideration of Private Lands in Secretary's Take Pride in America Initiative
- -- Public Lands Foundation
- -- Use of the Arizona Strip Wilderness Area Process for Future Wilderness Legislative Proposals
- -- Resolving National Park Management Issues Affecting Lands Adjacent to Parks
- -- Integral Vistas
- -- Wild Horse and Burro Program
- -- Omnibus Grazing Resolution
- -- Identifying Benefits to Non-Commodity Values on Public Lands
- -- Authority for Testing and Registering Herbicides

And decided to hold its next meeting on May 14-16 in Gillette, Wyoming, followed by a July 30 - August 2 meeting in Great Falls, Montana, and a November 12-14 meeting in Washington, D.C. Principal topics for the meetings would be determined between Council officers and Bureau officials.

Thursday Morning - November 14

Call to Order. Council Chairman David Schaenen convened the meeting at 8:00 a.m. and welcomed former member Calvin Black back to the Council. He also noted that members Rob Flournoy, Marlene Simons, Cecil Miller and Tony Esquibel would be unable to attend the Washington meeting.

Bureau of Land Management Director, Robert Burford, officially welcomed the Council to Washington and discussed the benefits of holding a meeting in the Capital. In addition to providing an opportunity to meet with Members of Congress, he said that it also allowed members to spend time with the Secretary, Under Secretary, Assistant Secretary for Land and Minerals Management, and other key Department personnel whose schedules do not always permit attendance at the Council's field meetings.

Remarks by the Assistant Secretary-Designate for Land & Minerals Management

Steve Griles, recently nominated by the President to become Assistant Secretary for Land and Minerals Management, highlighted for the members a number of important issues that were before the Department. They included:

OCS Leasing off the Coast of California

The Council had passed a resolution at its August 22-24 meeting in Boise, Idaho, requesting that the Secretary "reverse his preliminary decision to prohibit exploration and production in vast areas of Federal acreage off California until the year 2000." Mr. Griles discussed the principal factors that led to the Secretary's action and provided an update on the current situation.

He said that during the summer negotiations on the 1985 Appropriations Bill, Members of the California delegation told Secretary Hodel that they would agree to allowing only 150 tracts to be leased offshore California through the year 2000 -- and they indicated that they were able to control the vote on the continuing moratorium issue. In assessing the situation at that time, the Secretary decided to enter into a 'preliminary agreement' with the delegation, saying also that it was subject to industry groups' involvement and determination of the resource values of the tracts.

When the Secretary went to California to hear what the public felt about the leasing proposal, he found that the experts in the field of economic oil and gas recovery could not find one viable geological prospect within the 150 proposed tracts. At that point, Mr. Griles said, the Secretary told the California delegation that the preliminary agreement did not meet the Department's statutory mandate for OCS leasing, and it would be necessary to find more viable alternatives.

In terms of the current situation, Mr. Griles said that a great deal of progress had not been made, and that the leasing moratorium was still in effect offshore California. He did note, however, that the mood on the Hill seemed to be changing and that he hoped the Congress would shift from addressing it as a parochial California issue and look at it as a national issue since public waters belong to all people are involved.

Non-Competitive Onshore Oil and Gas Leasing Program (SIMO)

Mr. Griles said that the Department believes that the program, itself, is not the issue, but rather 1) how the Department leases and 2) how frequently leases are made available. He indicated that Interior was moving forward to make certain changes in the program.

One system being considered involved offering lands on a contingent basis. Lands valued at a determined high entry level would be leased competitively; lands not meeting the entry level would be leased on a non-competitive basis. Such a system would maintain the non-competitive side of the leasing program that involves the independent oil and gas men, who, Mr. Griles said "have a role to play in ensuring energy independence for this Country."

Federal Coal Leasing Program

Mr. Griles said that the Department would soon be announcing the restart of consideration for Federal coal leasing. He noted that there would be a number of changes in the program, including more public participation, different environmental analyses, and new standards for determining Fair Market Value. Mr. Griles added that the authority and responsibility for making the decisions would still rest with Interior, but the Regional Coal Teams will determine whether and when to schedule new regional Federal coal lease sale planning.

Grazing Fees

If the United States Congress does not take action on the grazing fee, Mr. Griles said that the Secretaries of Interior and Agriculture would take action to establish the fee.

BLM's Withdrawal and Classification Program

Mr. Griles discussed the legislative mandate for the withdrawal review process and focused his remarks on litigation that was now pending in District Court on the program. He noted that Congressman Seiberling had intervened in the case to "exercise congressional authority over what we should send to Congress and what we have the authority to revoke on our own." He said it was a fundamental issue of Executive versus Legislative Branch authority and that if the lawsuit were successful, all withdrawals would have to be submitted to Congress for review and approval. He said that he did not believe Congress desired that and stressed that such a ruling would inhibit many activities in the West.

Special Appreciation to Frank A. Edwards

At its August 22-24 meeting in Boise, the Council adopted a resolution thanking Frank Edwards, BLM's Assistant Director for Land Resources, for his work with the Council and its Lands Subcommittee. Mr. Edwards had recently retired from the government and was present at this meeting to receive a framed copy of the resolution from Chairman Dave Schaenen.

Proposed BLM/Forest Service Interchange

Mr. Burford provided an update on recent initiatives taken by BLM and the Forest Service on the proposed Interchange. He said that public hearings were held throughout the Country and that changes to the original proposal had been made based on the comments received. In addition, a legislative

proposal and a legislative environmental impact statement (EIS) were being prepared for submission to the Congress. He noted that the two agencies had learned a great deal about their respective operations and procedures as they worked on the Interchange and had found numerous ways to improve on them. There would also be significant savings in administrative costs, leaving greater monies for on-the-ground management; and the real savings would be for the public who would have 'one stop shopping' with just one agency. Mr. Burford emphasized that a nationwide (versus State-by-State) approach would be taken on the Interchange because it would result in the lease disruption of agency personnel.

Member Peter Murphy noted that the public perception of the Interchange seemed to be that it was "dead" and noted that his Congressional delegation in Oregon was pronouncing it so. He suggested that the word get out that the proposal is, in fact, alive. Mr. Burford responded that the Bureau had sent out numerous news releases on the Interchange and that a more active public outreach program would begin as soon as the legislative proposal went to Congress.

Take Pride in America Campaign

Secretary of the Interior Donald Hodel discussed with the members the Department's initiative to increase public awareness and respect for the Nation's public lands. He said that the Advertising Council of America planned to have the "Take Pride in America" campaign underway by the first of the year and that he had already received positive reaction from such groups as the National Recreation and Parks Association and the American Camping Association for the initiative. The Secretary expressed his hope that the campaign would "provide a better base of understanding about the relationship and the role of recreation, as well as other multiple uses on the public lands."

Member Wells O'Brien suggested that aiming the campaign at children, as was done in the national drive to support use of seat belts in automobiles, would be an especially effective approach. The Secretary concurred and said that the audience for the campaign would include youth, as well as camper and recreation associations, civic organizations, municipalities, and other groups that care about the public lands and how they are being used.

In a response to a question from member Dave Schaenen about the Departmental nucleus for the campaign, Secretary Hodel said that a steering committee consisting of both headquarters and field personnel had been assembled to handle overall direction. He noted, however, that the States would also be very active players in any program that evolved.

Member Calvin Black suggested that the Department might identify and try to protect some of the most significant archaeological resources on the public lands and raise public awareness about them. He also suggested that some excavation by authorized amateurs of sites not considered historically or archaeologically significant could be allowed. Secretary Hodel acknowledged that the concept certainly had merit but that professionals often had a difficult time establishing priorities for what should be considered a 'significant' archaeological resource.

Member Garrey Carruthers asked the Secretary about the prognosis for the Department getting back into the Coal business. Mr. Hodel noted that the

final EIS for the coal program was completed in October, and that it would probably be 12 to 24 months before any additional tracts could be offered for leasing.

Member Paula Easley asked if the Secretary had had any adverse feedback from his decision not to list Integral Vistas for priority protection. He said that there had been a generally high level of support for the proposition that the Department administratively handle park protection without singling out Integral Vistas for priority protection.

As a follow-up to comments made earlier in the morning about the controversy over OCS leasing offshore California, the Secretary said it was his hope to find an "agreed upon, orderly approach" to leasing, as opposed to continuing years of litigation and a congressionally-imposed moratorium. He posed the question: "Will the area be drilled in an emergency, under some crash program which ignores the environment, or will it be done in the orderly process which we have today, which permits total concern over those issues?" He further stated his belief that "those are Federal lands and Federal waters, and we need to proceed with a program to protect the United States' national interest."

Member Bill Swan questioned the Secretary about the proposed Greater Yellowstone Ecosystem and how ranchers and private landowners would be protected if such an area were established around Yellowstone or other national parks. The Secretary responded that the Department was committed to "protecting the parks and their wildlife resources" and was also committed to "improving the Nation's ability to meet energy and mineral needs and provide for other economic activities that take place on multiple-use lands." He applauded the approach that National Park Service Director Bill Mott was taking to increase coordination among Federal land managers and resolve conflicts at the local level. He also welcomed the Council's advice on how to more fully involve the 'local' interest in such coordination efforts.

The last issue that the Council brought before the Secretary was the use of the 'negotiating' process in developing wilderness proposals. The example cited was the Arizona Strip Wilderness bill from the last legislative session of Congress. Secretary Hodel agreed that where the principals can negotiate a settlement, there will be a more effective and promising legislative package.

Department of the Interior's Park Protection Working Group

Ann McLaughlin, Under Secretary of the Interior Department, discussed with the Council the formation and work of the Park Protection Working Group. She said that the group was comprised of the Department's managing Assistant Secretaries and Bureau Directors and had as its purpose advising the Secretary on ways to administratively resolve park protection issues.

Some of the Working Group's findings, which were issued in a June, 1985, report included:

- The legal authorities already on the books are sufficient to protect the parks;

- Better anticipation of issues is needed to avoid problems and resolve conflicts;

- Many conflicts are local in nature and can be resolved not only within the existing authority, but at the local level.

Ms. McLaughlin said the Group had briefed interested parties, industry, and environmental groups on these findings, and they were now in the implementation phase.

During implementation, they would be looking at three areas: Conflict Anticipation, Avoidance and Resolution. Anticipation would involve better planning, data collection and analysis by the Department agencies and better communication (both formal and informal) among them. It would also require a broader perspective by agency managers, as well as ad hoc issue planning and coordination. Conflict Avoidance would call for better reviews of other agencies' plans, early negotiations of concerns before positions are firm, and continuation of good formal and informal working relationships. Conflict Resolution would include means for assuring higher level reviews when true disagreements exist, developing procedures to efficiently resolve issues, assuring adequate data is available for making decisions, and avoiding raising issues to Washington unless that higher level review is necessary. Procedures were also being developed to resolve such issues when they had to be elevated to the Washington level.

The Under Secretary next discussed the several approaches that the Department would concentrate on during implementation -- Planning, Communications, and Personnel. In Planning, there would be explicit consideration of external effects in land use planning, better forecasting and anticipation of future plans, and consideration of ad hoc issues that are outside or beyond land use plans. In the area of Communication among agencies, planning schedules would be exchanged on a regular basis; periodic formal meetings of State Directors, Regional Directors, District Managers, and Superintendents would be held to discuss upcoming activities and events; routine informal field communications would take place; and there would be an increased exchange of information on such items as pending permits and leases. In the Personnel area, language would be added to position descriptions and performance standards to hold managers accountable for coordinating, communicating and resolving; senior managers would be held responsible for achieving performance standards; training would be expanded; and a program for awards and incentives would be developed.

The next subject that the Under Secretary addressed was the structure that would be used, both to implement the Working Group findings and to continue to address new issues on a selective basis. It would assure that major issues that have "park protection" implications are addressed consistently and thoroughly. This new structure called for a policy-level Steering Group, consisting of principal policy officials that met monthly, and sub-groups that included Washington and field staff of all bureaus. The Steering Group would provide advice to the Secretary and direction to the sub-groups, and the sub-groups' function would be to develop recommendations for the Steering Group and study issues and develop options. They would also serve as a "brain trust" on many cross-cutting issues.

In conclusion, Ms. McLaughlin emphasized that the Department would ultimately work better with local communities and coordinate better at the State level when its own house was in order.

Member Bill Swan questioned the Under Secretary about buffer zones around parks. Ms. McLaughlin said that the Administration is opposed to the concept of buffer zones, and that the Department believes that it can administratively solve problems rather than imposing artificial boundaries around the parks.

Member Garrey Carruthers expressed his frustration, as a former Department official, that some Interior agencies will elevate their concerns directly to Congress or the press rather than work them out with other agencies in the Department. He suggested that job descriptions should include language about such communication with other agencies on conflicts and problems. Mr. Carruthers further suggested that the Department develop a personnel interchange program, whereby staff from the Park Service would be assigned to the Bureau of Land Management and vice-versa. He said that such an interchange would help the staff better understand the other agency's missions and responsibilities and could ultimately lead to better working relationships.

Experimental Stewardship Program Report

Bill Templeton, BLM's Chief of Rangeland Resources, provided an update on the BLM/Forest Service Experimental Stewardship report. He said that the two agencies had completed their review of public comments on the draft report, decided on the contents of the final report, and were now in the process of preparing that document. Mr. Templeton stated that both agencies favor continuation of the Experimental Stewardship program. He also said that they were trying to link coordinated resource management planning activities with stewardship since the two were so closely related, and that this would be reflected in the final report. In addition, he said that both agencies felt more time was needed to measure the physical effects of what had been done in the stewardship area, so continuing the program would allow such evaluation to take place.

Riparian Area Management Policy Update

Mr. Templeton told members that the majority of comments that the Bureau received on its draft riparian management policy were supportive of the policy but questioned the definition of a riparian area. He said that the Bureau had decided to develop a fairly broad definition of a riparian area, and that the one used by the Forest Service appeared to be the most acceptable. Adopting it would also help the two agencies better coordinate activities and use similar language, especially where there were adjoining lands and riparian areas.

Mr. Templeton then read through the Definitions and Policy sections of the proposed riparian area policy (see Attachment C for the text of the proposed policy), and so many questions and comments from Council members were raised that it was decided to distribute a copy of the proposed policy to members and discuss it later in the Council session.

Thursday Afternoon - November 14

Public Statement Period

Two people presented oral testimony to the Council, summaries of which are given below (for written statements by these individuals, see Attachment D).

Gerald Tewes, Chairman of the Grazing Fee Task Force for the Public Lands Council, discussed some of the prime issues facing the ranching community. These included the grazing fee, grazing advisory boards, experimental stewardship, wild horse populations, riparian land use planning, and grazing subleasing. He said that the National Cattlemen's Association was striving for legislation to settle a number of the questions that were outstanding on these issues and had been working through the Task Force with various other interest groups.

Specifically, he stated that his organization supports the current grazing fee formula because it does work and does reflect the market. It also supports continuation of the grazing advisory boards and experimental stewardship program. And, on the wild horse issue, he said that the Bureau needed to have sale authority to assure better management of the public lands and their resources.

Jim Courtney, Chairman of the Public Lands Committee of the National Cattlemen's Association, commented on the grazing fee and the criticism that it was not cost-effective for the Federal government. He noted that the passage of the multiple-use statutes had caused the cost of the range program to soar and said that "to measure the benefits of BLM's range program, one must count, in addition to the livestock benefits, the values that accrue to other uses like watershed, wildlife and recreation." He added that benefits also flow from the private dollars invested by the grazing permittees on public land improvements and that indirect benefits come from jobs that are dependent upon livestock activity (i.e., equipment dealers, feed stores, banks, veterinarians, local schools, etc.). In summary, he stated that BLM's grazing program does have a favorable cost-benefit ratio and is cost efficient. He added that more research must be done by the Bureau to identify and quantify the multiple benefits that result from investments in range resource programs, and that in a time of tight Federal budgets and spending priorities, BLM must do a better job of justifying its renewable resource programs in economic terms.

Federal Onshore Oil and Gas Leasing

John Latz, BLM's Deputy Director for Energy and Mineral Resources, discussed ongoing initiatives in the oil and gas leasing program. He noted that there were various draft bills, both on the House side, that would change the oil and gas leasing system to an all-competitive system. The proposed bills would be market-based as opposed to a geologic-based leasing system. He added that one of the drafts contained language that would require that any lands offered for lease would first have to be subjected to, and part of, a Resource Management Plan. Such legislation could shut down the oil and gas leasing program.

In terms of the Simultaneous Oil and Gas Leasing program (SIMO), Mr. Latz noted that the Bureau had received $28 million in filing fees during the last fiscal year, as opposed to $100 million the previous year. This was due, in large part, to the increase in filing fees from $25 to $75 and the requirement of first year's rental payment with the application. These measures had reduced the numbers of small players in the SIMO system. Member Dave Schaenen applauded the latter effect since it basically put the filing business back in the hands of the people who could make the decisions or whether exploration would take place on the public land.

Mr. Latz observed that the advance rental requirement had taken a lot of speculation out of the program and, consequently, a great deal of abuse away from the system. He also added that the system appeared to function well in serving the market. Member Dave Schaenen responded on the latter point that there were still a large number of areas that have been off the books and still not available for leasing that industry is anxious to have put up for lease.

Mr. Latz also addressed Bureau activities in respect to bonding requirements. He said that there was a session scheduled in Denver the next week to discuss the issue, and that the Department was proposing to consolidate the existing 12 bonds (between BLM and MMS) down to 4 bonds. Mr. Schaenen noted that it was not so much the number of bonds as the size of the bonds that was the problem; he added that under new regulations, only the major companies would be bondable through the insurance companies. Mr. Latz further amplified the Bureau's position on bonding and its concerns about improper abandonments that leave the Federal government potentially liable for the abandoned wells. Mr. Schaenen acknowledged the Department's problem but cautioned that, in the process, it did not shut down exploration efforts.

On another topic, Mr. Latz discussed operating rights assignments and recent steps taken by the Department to expedite processing of the assignments. He said that first priority would be given to individuals with an Application for a Permit to Drill (APD) accompanied with a certificate of title. In response, Mr. Schaenen said that the regulation writers had not spoken with industry representatives in developing the regulations and, consequently, the regulations "were not well thought out." He emphasized the need for greater communication between the regulators and those affected.

Mr. Latz next provided an update on the Federal Oil and Gas Royalty Management ACT (FOGRMA) regulations and Section 205 regulations. He said that final FOGRMA rulemaking would be published in January, and that most concerns had been accommodated in the regulations. In terms of Section 205 regulations, he noted that a series of meetings had been set up with Wyoming, Colorado, Utah, and California, and the Department had begun preparing regulations.

As a final comment, Mr. Latz noted that the Department had recently published final rulemaking increasing the acreage on geothermal leases that might be held in any State from 20,000 to 51,000. He also added that the geothermal application fee had been raised to $75, to make it consistent with other oil and gas leases.

Federal Coal Leasing Program

Dan Sokoloski, BLM's Assistant Director for Solid Mineral Leasing, next discussed with the members the history and current status of the Department's Federal coal leasing program. He said that the recent period of turmoil in the program began in 1977 with a major lawsuit (NRDC vs. Hughes) that forced the Department to spend two years sorting out what would be an acceptable, national program for leasing coal. The program was finally adopted in late 1979 and did not begin implementation until the present Administration.

Following a large coal lease sale in the Powder River Basis in 1982, there were allegations, investigations and hearings on aspects of the sale. The General Accounting Office, Office of Technology Assessment, Linowes Commission, and others got involved in reviews of the coal program, and the Department responded with approximately 100 procedural changes in the conduct of the program. It was also decided late in 1984 that it would be both proper and beneficial to do a supplement to the National Programmatic EIS for the coal program. Mr. Sokoloski noted that the final EIS had just been completed and would be going to the Secretary for his review and action.

Next, Mr. Sokoloski reviewed the statutory requirements for the program, including:

- Federal Land Policy and Management Act of 1976, which establishes multiple-use management for public lands, sets standards for land use planning, and calls for Federal-State cooperation in public land management;

- Mineral Land Leasing Act of 1920, which authorizes leasing of Federal coal lands;

- Federal Coal Leasing Amendment Act of 1976, which requires that land use plans must be done before leasing, that coal can only be offered by competitive bidding, and that the government must recive Fair Market Value for the resource;

- Surface Mining Control and Reclamation Act, which calls for unsuitability review and surface owner consultation and consent;

In terms of overall objectives for the coal program, Mr. Sokoloski emphasized identifying and providing for the Nation's future coal needs, promoting more desirable patterns of development, promoting competition within the coal industry, and providing revenues to the States and the U.S. Treasury. He noted that the States have been playing a greater role in the thrust of the coal program, especially through the Federal-State Coal Advisory Board and the six regional coal teams that guide virtually every step of the coal leasing process.

A critical guiding policy for the program, Mr. Sokoloski stated, is balanced multiple-use, and he said that the majority of the leasing program's budget is spent in land use planning or environmental analysis.

Another important consideration, he noted, is Fair Market Value, an area where the Department had received much criticism and had been working to improve over the past three years. Also important is adequacy of the data base -- the Department's ability to inventory resources, have an accurate assessment of their status, and use them in various program steps.

Mr. Sokoloski next focused on decisions pending before the Department about the future of the Federal coal leasing program. The key decision would be whether or not there would be a coal leasing program. He said that if the Secretary makes a positive decision, then he would select one of three alternatives from the Supplemental EIS: 1) the proposed action -- a competitive regional leasing program, 2) leasing by application, or 3) emergency coal lease sales and processing of PRLAs.

Mr. Sokoloski noted, in closing, that the recently completed EIS projected much lower levels of Federal coal leasing than had been predicted in the original EIS done in 1979. Accordingly, the environmental impacts would also be much lower than previously estimated.

Recess

Chairman Dave Schaenen recessed the Council meeting at 2:30 p.m. so that the members could spend the remainder of the afternoon in subcommittee sessions.

Friday Morning - November 15

Call to Order. Chairman Schaenen convened the Council meeting at 8:00 a.m. and made a motion that the minutes from the Council's August 22-24 meeting be accepted by the members. The motion was unanimously approved.

Worst Case Analysis Regulations

A. Alan Hill, Chairman of the President's Council on Environmental Quality, discussed with the members CEQ's Worst Case Analysis regulations. He noted that the regulations cover those situations where there is missing or unavailable information in an EIS, and he said that the way the policy was headed and the courts were interpreting it, "we're going into an area where we will engage in limitless speculation." Mr. Hill said that the Council on Environmental Quality felt a real need to get back to credible scientific evidence and to develop a more manageable process that could be installed in instruction manuals and understood by people charged with preparing a Worst Case Analysis.

Mr. Hill noted that come recent court decisions stretched the boundaries of what worst case should cover, and that the Ninth Circuit Court had ruled that the WCA requirement should also apply to Environmental Assessment documents. He said that the CEQ felt that this decision was "very wrong" and that a WCA should not be applied at that level.

In an attempt to improve the situation, Mr. Hill said that the CEQ issued draft guidance on the regulations in 1983. In reviewing the comments received, they found there was no unity of opinion among Federal agencies. Consequently, the proposed guidance was withdrawn and officials in CEQ met with various Federal agencies, interest groups, and concerned individuals about the problems they had with the existing regulations.

The next step was to issue an Advanced Notice of Proposed Rulemaking (ANPR) in December of 1983, which asked for comments on how the regulations were working. Mr. Hill said that based on the 161 comments received, CEQ decided to amend the regulations and issued a proposed rulemaking. The principal thrust of the rulemaking would be to require agencies preparing an EIS to make reasonable efforts to obtain missing information that is most important to evaluating adverse impacts on the human environment ... and that if the agency is unable to obtain the missing information, that it state what information is missing and the relevance of such information, provide a summary of existing credible scientific evidence relevant to evaluating impacts, and provide the agency's evaluation of such evidence. Mr. Hill said that the Council on Environmental Quality was now analyzing the comments received and would soon be preparing final rulemaking for publication in the Federal Register.

Noxious Weed Environmental Impact Statement

Buck Waters, BLM's Pest Management Specialist, next discussed the noxious week EIS that the Bureau was preparing for managing public lands infested with or threatened by noxious weeks in the States of Idaho, Montana, Oregon, Washington and Wyoming. He noted that the EIS contained a Worst Case Analysis addressing the human health effects of herbicides used for noxious weed control, and that the WCA had been ordered by the Ninth Circuit Court. It was the Court's contention that the Environmental Protection Agency's registration process for the herbicides was not sufficient to allow their use and that BLM would have to do its own research through a Worst Case Analysis. Such an endeavor, Mr. Waters said, was a duplication of effort at enormous costs. Mr. Hill added that the Court's decision would lead to a registration effort in every agency of the Federal government that manages land.

Member Bill Golding questioned why the Department did not try to go back to Congress and use the legislative process to amend the Federal Insecticide, Fungicide and Rhodenticide Act to assure that there would be one place in the Federal government -- the Environmental Protection Agency -- with the authority to register chemicals. There followed a lengthy discussion about the adverse impact that the Court's decision was having on noxious weed control, both on the public lands directly affected by the ruling, and on adjacent State and private lands that were being overrun by noxious weeds from the public lands.

Mr. Golding volunteered to prepare a resolution for the Council's consideration that would recommend that the Department seek legislative authority to place the control of testing and environmental analysis for registration of herbicides solely with EPA and also require that all Federal agencies use such registrations.

Update on Wild Horse and Burro Program

John Boyles, BLM's Chief of Wild Horses and Burros, discussed with the Council recent actions taken by the Congress and BLM to reduce the size of wild horse and burro populations on the public lands. He noted that Congress appropriated $16.9 million for the program in Fiscal Year 1985 and directed the Bureau to remove more than 17,000 excess animals from the public domain. Of that amount, Mr. Boyles said approximately 62 percent was expended to capture the animals, transport and corral them, provide veterinary care, and feed them while they were being maintained in the corrals.

In order to provide adequate facilities for the animals who were removed from the public lands, the Bureau contracted for additional holding facilities to maintain approximately 8,000-10,000 of them. Most removals, Mr. Boyles noted, came from Nevada (10,400 animals) and Wyoming (4,000 animals), with the remainder coming from California, Colorado, Utah, Oregon and Arizona, for a total of 18,800 removals in Fiscal Year 1985. He said that there were approximately 9,000 head in corrals at the present time and approximately 56,000 animals still remaining on the public domain.

Member Bill Swan asked if the Bureau was satisfied with its inventory methods. Mr. Boyles responded that since the National Academy of Sciences' study had been done a few years back, the Bureau's inventory procedures had improved and population estimates were more on target.

In response to a question by member Larry Kelley about the plight of certain ranchers in the Reno area whose allotments were overrun by wild horses, Mr. Boyles said that substantial progress had been made in Nevada over the past year with 10,000 horses being removed from the land. And, he added, if the Fiscal Year 1986 appropriation level was similar to 1985 and 10,000 more animals could be removed, it would do a great deal to reduce the level of controversy in Nevada.

Mr. Boyles next discussed the research that was underway with the National Academy of Sciences to explore ways to curtail the growth of the wild horse population through fertility control. The goal was to control the foaling rate and therefore delay the number of captures necessary and the associated costs of maintenance. He said that the results of the study would not be available until 1988.

Member Jay Hair brought up the issue of Bureau sale authority for those horses that cannot be adopted. He noted that both the livestock and conservation communities are behind the sale authority concept as a measure to help prevent destruction of the range and detrimental impacts to wildlife and domestic livestock. He suggested that the interested parties develop a unified front and present a positive case to Congress for sale authority. Member Garrey Carruthers endorsed Mr. Hair's idea of putting together the right kind of political action group to move a legislative initiative.

Director Burford noted that two years previously there had been very wide support for a bill providing sale authority, but there were also certain letter-writing and petition campaigns against it that made the bill politically unfeasible. Such groups, he said, were able to mobilize the emotions of the American public in the urban areas.

Member Larry Neri next asked about the status of a proposal that he had put before the Department to make unadoptable wild horses available to the Asociacion de Charros, an equestrian organizations with members in the United States and Mexico. Paul Smyth, representing the Solicitor's Office at Interior, said that the Wild Free-Roaming Horse and Burro Act required that the Secretary assure humane care and treatment of any horses that are adopted and that the basic problem was that the Secretary had no way to enforce the regulations in Mexico. Director Burford added that he had already met with the principal organization that had threatened to sue the Bureau if it made the horses available to the Asociacion de Charros, to try to negotiate an agreement. He said that he had even offered to station personnel in Mexico to maintain surveillance over the animals' well-being, but his offers were flatly rejected.

Member Bill Golding asked Jay Hair, as Executive Vice President of the National Wildlife Federation, whether his organization would consider spearheading appropriate legislation on wild horse and burro sale authority. Mr. Hair said that the National Wildlife Federation supported

the draft legislation before Congress and would consider making a more concerted effort because of the serious, negative impact that the wild horse population was having on other regional values and the public lands. He noted, however, that the Federation had to selective in its hard drives on Congress because "you can't go to the well too many times." He also added that the Rangeland bill currently pending before Congress included many complicated issues, in addition to wild horses and burros, and the Federation would want to educate its members about more than one aspect of the bill.

Member Wells O'Brien suggested that the National Wildlife Federation's publication for children, "Ranger Rick," could be an excellent vehicle for pointing out the problems with the wild horse over-population and the condition of the range because of the situation. Member David Herrington noted that the magazine had just done an excellent article on wild horses and burros describing the resource damage that was occurring and encouraging adoption of the animals.

Mr. Boyles also brought to the Council's attention recent initiatives between BLM and the National Academy of Sciences to remove burros from the Death Valley National Monument in California. He said that the Bureau and National Park Service had entered into an interagency agreement to remove burros from the Monument area, and that the Bureau would make them available to qualified adopters through temporary satellite centers.

Curt Jones, BLM's Eastern States Director, also discussed initiatives in the East to make wild horses and burros available for adoption and noted that there had been a lot of marketing done for the program. He particularly noted that the Bob Evans Corporation in Ohio would be sponsoring a major wild horse and burro event over the Fourth of July weekend in 1986, and that there were plans to make it into an annual event in the future.

Update on Coooperative Management Agreement (CMA) Litigation

Dave Tidwell, Special Assistant to Director Burford, discussed some of the rationale behind the lawsuit challening the Bureau's grazing regulations, and in particular, the Cooperative Management Agreement program. He said that there was a lot of confusion and misinterpretation about the intent of the CMA program, which was "to reward and acknowledge excellent management on the part of exemplary permittees and provide incentives to them and others to do a better job of management on the public lands." Some individuals and groups misinterpreted it as a program where BLM would basically abrogate its authority and responsibility on the public lands to the permittees.

Mr. Tidwell noted that the original lawsuit was filed in May of 1984 by the Natural Resources Defense Council and five other plaintiffs in the Eastern California District Court, and that the Court had issued its ruling on August 30, 1985. In that ruling, the Court enjoined the Secretary from implementing certain sections of the grazing regulations, including the CMA program.

Mr. Tidwell explained that the Department did not appeal the Court ruling because the original defense provided by the Justice Department was so poorly handled. Not only were the Department's expert witnesses not used, but the attorneys switched the key defense authority from Section 3(b) of FLPMA (which is the Secretary's authority to enter into Cooperative Management Agreements) to Section 12 of PRIA, the Experimental Stewardship Program, and called it the "experimental program." The presiding judge referred to this as a "clever post hoc rationalization."

Given these results, Mr. Tidwell said that the Department realized it would have a poor chance for success with an appeal in the Ninth Circuit Court. In addition, filing an appeal would take one and-a-half to two years to be heard, with a strong chance for a negative decision. And, Mr. Tidwell said, that could mean a Circuit Court decision with no chance to appeal to the Supreme Court because the case was not strong enough and the issue was not important enough to appeal. In addition, the District Judge had laid out a lengthy decision that made the Bureau feel it could make certain administrative remedies and get back into some of the activities intended in the grazing rulemaking, including the Cooperative Management Agreement program. He noted that the Bureau had already expanded the CMA concept beyond the livestock area to include such areas as wildlife, wild horses, and recreation. "We have a good track record in that regard, and we're going to use that as a foundation as we approach the livestock CMAs."

Future Council Meetings

Members discussed plans for upcoming Council meetings and set the next session for May 14-16 in Gillette, Wyoming. Hillary Oden, BLM's Wyoming State Director, outlined for the Council what was planned for a field tour in Wyoming. He said it would include visits to the historic Salt Creek Oil Field, the Black Thunder Mine coal mining operation, the Belle Ayr Mine reclamation site, and the Wyodak steam electric-generating plant.

The following meeting was set for July 30 - August 2 in Great Falls, Montana, and after lengthy discussions about the pros and cons of holding meetings in Washington, D.C., it was decided to hold a November 12-14 session in Washington. The Council also moved that Chairman Schaenen and Director Burford meet with the Secretary on the question of holding a future Council meeting in Alaska.

Subcommittee Reports/Council Resolutions

The Council next considered and approved the following resolutions. The name of the sponsoring subcommittee and the principal speaker in behalf of each are noted. All adopted resolutions were approved by unanimous voice vote. One, dealing with the Bureau's proposed Riparian Management Policy, was tabled (See "Discussion" which follows this listing).

Lands Subcommittee (Garrey Carruthers)

Integral Vistas

WHEREAS: The National Park Service urged the Environmental Protection Agency (EPA) to include provisions for the identification and protection of integral vistas, and final regulations were published by EPA in the Federal Register on December 2, 1980 (Visibility Protection for Federal Class I Areas); and

WHEREAS: Listing of Integral vistas would require States to "consider" them when making decisions affecting air quality, and such consideration would result in confusion, confrontation, uncertainty and costly litigation from unknown, unpredictable protection requirements.

NOW THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council commends the Secretary of the Interior's decision not to single out integral vistas for priority protection as a correct and appropriate one; and

BE IT FURTHER RESOLVED: That, in future deliberations over the concept of integral vistas, the following concerns be addressed:

(1) That State, local and private interests in lands and resources attendant to national park boundaries be considered and protected on the basis of sound cost-benefit analysis and other multiple-use concerns; and

(2) That there be strict adherence to the national goals of a sound economy, resource production, energy and mineral self-sufficiency and national security.

Lands Subcommittee (Garrey Carruthers)

Authority for Testing and Registering Herbicides

WHEREAS: The approved authority for herbicide registration resides with the Environmental Protection Agency (EPA); and

WHEREAS: The Environmental Protection Agency certifies for use certain herbicides to control noxious weeds and undesirable shrubs; and

WHEREAS: As the result of a judicial decision, each public agency using herbicides was required to perform site-specific research which duplicated EPA's registration research for those herbicides applied to public lands; and

WHEREAS: Individual agency duplicative testing is lengthy, laborious and expensive in the extreme; and

WHEREAS: Noxious weed and undesirable shrub control is essential to the protection and enhancement of public land values; and

WHEREAS: Noxious weed and undesirable shrub spraying has been suspended in many areas, leading to substantial infestation or reinfestation in these areas; and

WHEREAS: Unless undesirable plants are controlled, substantial harm will result to the public lands due to their proliferation.

NOW THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recommends to the Secretary of the Interior that he consider concurrently two solutions to the testing process:

1. Seek immediate legislative authority to place the control of testing and environmental analysis for registration of herbicides solely under the authority of the Environmental Protection Agency and to require that all Federal agencies must utilize such registrations by amending the Federal Insecticide, Fungicide and Rodenticide Act of 1972, as amended.

2. Seek judicial relief approving consolidation of herbicide testing, analysis and registration solely in the Environmental Protection Agency.

Lands Subcommittee (Garrey Carruthers)

Use of the Arizona Strip Wilderness Area Process for Future Wilderness Legislative Proposals

WHEREAS: The Secretary of the Interior is required, under the Federal Land Policy and Management Act, to study and recommend to the President, those public land areas to be protected under wilderness; and

WHEREAS: The wilderness study process requires public participation and comment from all individuals and groups interested in wilderness designation; and

WHEREAS: The public land resources are an integral part of State and local recreational-wildlife resources and the economy; and

WHEREAS: The Arizona Strip Wilderness Area process, initiated and fostered by Arizona interests using appropriate consultation with the Federal Government, led to a locally agreed upon single legislative proposal for wilderness and mutiple-use designation; and

WHEREAS: The Congress passed and the President signed into law the Arizona Strip Wilderness Act.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council supports the use of the Arizona Strip wilderness area process in the preparation of single, statewide wilderness legislative proposals developed under State and local leadership, in concert with the Bureau of Land Management and U.S. Forest Service.

Lands Subcommittee (Garrey Carruthers)

Resolving National Park Management Issues Affecting Lands Adjacent to Parks

WHEREAS: The National Public Lands Advisory Council opposes the establishment of buffer zones around our national parks; and

WHEREAS: The Department of the Interior has established a working group with members from various agencies of the Departments of Interior and Agriculture to study and develop programs for resolving issues that may arise in the management of national parks which affect the lands adjacent to the parks; and

WHEREAS: All National Parks and adjacent Bureau of Land Management, Forest Service, other Federal lands, and private lands are located in the various States and counties of this country and are within the jurisdiction of State and local governments and their decisions directly affect the people living therein; and

WHEREAS: The working group proposes to resolve these issues through an administrative procedure involving the cooperative effort of the various Federal agencies; and

WHEREAS: The Council believes that any cooperative effort resulting in a sound resolution of such issues requires not only good communication between the agencies but also a working understanding of the particular problems and concerns of each of the agencies by the other agencies; and

WHEREAS: Any solution involving adjacent lands requires the consideration by and input of the private landowner and local governments;

THEREFORE, BE IT RESOLVED: That the Council supports the decision of the working group to resolve these issues through administrative procedure and that no new planning, reporting, monitoring or other regulatory system is needed; and

BE IT FURTHER RESOLVED: That the Council supports the efforts of the working group to increase the communications between agencies, and respectfully suggests that a program be instituted by the Secretary to improve the understanding of the problems and concerns of each agency and the communications between agencies through an interchange of management personnel within the Department of the Interior; and

BE IT FURTHER RESOLVED: That the Council believes that the input of the private landowners and local government is absolutely essential to any resolution of the issues and recommends that the working group take the steps necessary to recognize these interests in the working group's planning and decision process, including the possible establishment of official advisory committees to represent these interests.

Lands Subcommittee (Garrey Carruthers)

Public Awareness Campaign -- "Take Pride in America"

WHEREAS: The public awareness campaign launched by the Secretary of the Interior is an initiative involving citizens and private sector organizations at all levels; and

WHEREAS: The campaign message of promoting wise use and stewardship applies to all public lands and natural resources; and

WHEREAS: Many national level constituency organizations of the Department are already involved in related efforts and can provide support for the Department's program through their membership and contacts; and

WHEREAS: The Advertising Council, Inc. has encouraged development of a coalition of national level constituency groups to assist in guiding and sponsoring the campaign.

NOW THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council encourages the Secretary to establish a Public Lands and Natural Resources Coalition of national civic, conservation, environmental, user groups, other private sector organizations, and government agencies interested in wise use of public lands; and

BE IT FURTHER RESOLVED: That the role of the Coalition should be as follows: to assist in development of the campaign materials; to provide feedback on members' experience in similar campaigns; to disseminate campaign materials and encourage utilization of campaign materials by local chapters; to publicize the campaign message through their newsletters and communications channels; and to undertake activities that support the campaign at the national level, as well as assist members in developing local programs.

Lands Subcommittee (Garrey Carruthers)

Public Lands Foundation

WHEREAS: In support of the Secretary of the Interior's public lands educational campaign, the Bureau of Land Management is considering the establishment of a Public Lands Foundation; and

WHEREAS: The purpose of the Foundation would be to provide private sector support to the Bureau by encouraging and managing donations; and

WHEREAS: Such a foundation would also facilitate communication and cooperation among all groups interested in the public lands and provide an additional avenue for these groups to contribute to land management efforts.

NOW THEREFORE, BE IT RESOLVED: That the National Public lands Advisory Council supports and encourages the Secretary of the Interior in establishing a Public Lands Foundation and advises the Director to pursue passage of the required legislation; and

BE IT FURTHER RESOLVED: That the Chairman of the National Public Lands Advisory Council, or his assignee, be appointed by the Secretary of the Interior to serve on the proposed Public Lands Foundation Board in conformance with the goals, policies and rules of said Board.

Renewable Resources Subcommittee (Bob Wright)

Consideration of Private Lands in Secretary's Take Pride in America Initiative

WHEREAS: The National Public Lands Advisory Council has expressed strong support for the Secretary of the Interior's Public Lands Educational Campaign and applauds the effort to create an awareness by the American public that it should take better care of these lands; and

WHEREAS: The public lands, however, cannot be viewed in a vacuum. Private and State-owned or administered lands are adjacent or intermingled with public lands and are usually indistinguishable from the public lands; and

WHEREAS: The inclusion of a theme promoting respect for property rights, both public and private, would not only address a true land management need, but would enlist the support of private land holders nationwide for the "Take Pride in America" theme.

THEREFORE, BE IT RESOLVED: That the Secretary of the Interior's initiative include a plea for consideration of the rights of all land ownerships, as well as those of the public lands.

Renewable Resources Subcommittee (Bob Wright)

Wild Horse and Burro Program

WHEREAS: The National Public Lands Advisory Council commends the Bureau of Land Management for its responsiveness to the resolution passed by the Council in Reno, Nevada, regarding the need to reduce numbers of wild horses and burros on the public lands, and for its implementation of the adoption program under Section 3(b) of the Wild Free-Roaming Horse and Burro Act (Public Law 92-195) as amended; and

WHEREAS: The Bureau has responsibility for feeding and maintaining approximately 3500 feral horses which are unadoptable due to age, quality, disposition, and various undesirable characteristics at a cost per animal of $3 per day; and

WHEREAS: Because these unadoptable animals will have to be maintained indefinitely at significant taxpayer expense.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council endorses limited sales authority for the Secretary of the Interior as a means of disposing of excess, unadoptable wild horses and burros.

Renewable Resources Subcommittee (Bob Wright)

Omnibus Grazing Resolution

WHEREAS: The 1934 Taylor Grazing Act established the principle of user participation in management through district grazing advisory boards; and

WHEREAS: The ecological status of public rangelands has improved under this public/private partnership; and

WHEREAS: The Taylor Grazing Act has, as a major objective, the stability and maintenance of ranching communities; and

WHEREAS: The current grazing fee formula recognizes changing economic conditions.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council strongly supports:

(1) Continuation of the current grazing fee formula using 1964-68 base for indices;

(2) Extension of district grazing advisory board authority;

(3) Continuation of experimental stewardship programs, and the application of the results to other public land areas;

(4) Continued reliance on land use monitoring, grazing and planning programs and the advisory boards to establish the suitability and levels of use of public grazing lands.

Renewable Resources Subcommittee (Bob Wright)

Identifying Benefits to Non-Commodity Values on Public Lands

WHEREAS: Rangelands are a vital and productive component of this nation's natural resource base and are recognized for their production and multiple-use values; and

WHEREAS: Domestic livestock is one of these resources, and while providing a commodity benefit to producers and consumers, it also provides many non-commodity benefits to the general public in the form of resource stewardship; and

WHEREAS: The combined cooperative Federal-State-private stewardship programs for range improvements enhance water quality, reduce soil erosion, enhance wildlife and fisheries habitat and improve the aesthetics of the landscape; and

WHEREAS: Current Office of Management and Budget procedures for program justification do not recognize these non-commodity values and do not have to consider them in evaluating program outlays for management versus program income from fee assessment; and

WHEREAS: Recent research has developed procedures for economic assessment of non-commodity values which can be measured in economic analyses.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council urges the Department of the Interior to implement a research program to identify and quantify these values using the same economic rationale as it does for determining commodity values.

Discussion on Riparian Area Management Policy Resolution

Bob Wright, Chairman of the Renewable Resources Subcommittee, explained that the Bureau's proposed Riparian Area Management Policy was the same as that now used by the Forest Service, and that his Subcommittee had added the words "site specific" to various sections of the Definitions, Objectives, and Policy portions of the proposed policy. Member Jay Hair added that the Subcommittee's intent was to limit problems to a specific geographical area, so that the Bureau would deal with problems on an individual basis.

Member Bill Golding said that he objected to certain terminologies used in the proposed policy, and that he questioned whether the government would have the funds to undertake the ecological inventories called for in the policy. He also noted that the Council had requested at its last meeting in Boise that the Bureau come back to the group with a clearer definition of a riparian area, but instead had come back with essentially the same definition.

Member Garrey Carruthers suggested that since the Bureau still had not come up with a "simple, workable, understandable definition of a riparian area," that the Council advise the Bureau to try again.

After a lengthy discussion about the wording, scope and administration of the Riparian Management Policy, it was noted that Congress would be addressing the

issue in the omnibus rangeland bill that it was preparing. Chairman Schaenen suggested that the Council withhold action until it saw how Congress defined riparian areas in its legislation. Mr. Golding agreed and suggested that, should a need arise for a Council definition between now and the next meeting, the Chairman could appoint members to take on that task. The Council unanimously agreed to table the resolution under consideration and to accept Mr. Golding's proposal.

Bonding Requirements for Oil and Gas Leasing Operations

On a final issue, Chairman Schaenen noted that the Energy and Minerals Subcommittee had discussed proposed Department regulations that would substantially increase the bonding requirements for oil and gas leasing operations. He said that industry objected to the proposed regulations because insurance companies had become increasingly unwilling to grant such bonds. The regulations would, therefore, "place the exploration industry in very dire straits." Mr. Schaenen added that there was a meeting scheduled the following week to address the proposed regulations and suggested that the Council wait until they heard what came out of that meeting before they proposed any resolutions to the Department on the bonding issue. The members unanimously approved the Chairman's suggestion.

Adjournment

In closing the Council meeting, Mr. Schaenen thanked the members for their participation in the session and extended special appreciation to the seven members whose terms were expiring for the time and effort they had expended on the Council's behalf.

The meeting was adjourned at 3:30 p.m.

MEMBERS

NATIONAL PUBLIC LANDS ADVISORY COUNCIL

Robert H. Adams -- Valley Center, California. Owner of Adams Properties (real estate development and investments). Board Member for past 10 years of San Diego's Natural History Museum and the Zoological Society's Wild Animal Park. Formed Valley Center Community Recreation, Inc. in 1974 and developed and funded Adams Community Park. Named Citizen of the Year in 1977. Former owner of Adams Machine and Manufacturing Company; previously associated with Hughes Tool Company, Hughes Aircraft Company, R.J.M. Company, and Madsen Iron Works.

Calvin Black -- Blanding, Utah. Chairman, San Juan (UT) County Commission. President of Markey Mines. Board of Directors Member, Utah Mining Association. Regional Director of the National Conference of Republican County Officials. Member, National Association of Counties (NACo) Energy and Environment Steering Committee, and Member of NACo/WIR Board of Directors. Chairman and Board of Directors Member, Southeastern Utah Association of Counties. Member of the Utah State Land Board. Former Utah State Representative and Mayor of Blanding.

Donald Butler -- Tucson, Arizona. President, Coronado Cattle Company, Inc., managers of cattle feedlots for investors, professional feeders, and corporations. Serves as First Vice President, and as a Member of the Board of Directors, Executive Committee, and Cattle Fax Board, for the National Cattlemen's Association. Also Chairman, and Board of Directors Member, U.S. Meat Export Federation. Serves as President of Southwestern Fair Commission and Director of Arizona National Livestock Show. Director, and past President, Arizona Cattle Feeders Association. Former Trustee, Arizona 4-H Youth Foundation.

Garrey Carruthers -- Las Cruces, New Mexico. President of Garrey Carruthers Associates, Inc., management consultants. Former Assistant Secretary of the Interior for Land and Minerals Management, responsible for the administration of the Bureau of Land Management, Minerals Management Service, and Office of Surface Mining. Recently resigned as Professor of Agricultural Economics at New Mexico State University. Served previously as a White House Fellow and as a Special Assistant to the U.S. Secretary of Agriculture. Later became Acting Director of the New Mexico Water Resources Institute. Former Chairman of the New Mexico Republican Party.

Roger Donlon -- Oxnard, California. President and Chief Executive Officer, Donlon Trading Company, Ltd., specializing in agricultural production. Formerly associated with Galavo Growers, Marywood, California. Graduate of the University of California at Berkeley. Served 2-year term with the U.S. Navy.

ATTACHMENT A

Paula P. Easley -- Anchorage, Alaska. Executive Director, Resource Development Council for Alaska, Inc., Alaska's largest private economic development organization with members representing business, labor, trade associations, chambers of commerce, native corporations and municipalities. Also manages Alaska Liaison Office of the Pacific Legal Foundation. Chairman of Alaska Resource Policy Coalition. Former business services consultant. Previously with Alaska Business Council, promoting Alaskan tourism. Member: U.S. Department of Commerce District Export Council, National Advisory Board of American Land Alliance, and Northwest & Alaska Mining Associations.

Tony P. Esquibel -- Tierra Amarilla, New Mexico. Rancher, registered hereford breeder. Serves as Vice Chairman, Rio Arriba County Committee, Agricultural Stabilization and Conservation Service. President, local chapter of Soil Conservation Service. Member, New Mexico Water Conservation Committee. Served previously as Vice President, Resource Conservation and Development. Former Secretary, New Mexico Marketing Producers. Member, Colorado Cattlemen's Association. 4-H Leader. Active in Church Parish Council.

Robert L. Flournoy -- Likely, California. President of ranching operation. Director, and Member of Public Lands Committee, National Cattlemen's Assocation. Past President, and Public Lands Committee Director, California Cattlemen's Association. Serves as Member of California State Baord of Forestry, and as Chairman of Modoc County Forestry Board. Presently Chairman, BLM's Susanville District Advisory Council, and President, Modoc Council of Natural Resources. Honored as Livestock Man of the Year (1980) by the State of California. Honorary Member, Future Farmers of America.

William Golding -- Edmonds, Washington. Businessman. Chief Executive Officer, Forest Grove Industries. Serves on Corporate Boards of: Alpac Corporation, NC Machinery Company, People's Bancorporation, and Sam Dick Industries. Attorney, and Member of the Washington State and American Bar Associations. Serves as Trustee for the Seattle Historical Society, and the Visiting Committee of the University of Washington Law School. Previously a Trustee of the Epiphany Day School, Lake School (President), Seattle Symphony, and the YMCA. Author: WHAT IT TAKES, G.P. Putnam & Sons.

Jay D. Hair -- Washington, D.C. Executive Vice President, National Wildlife Federation. Member of Natural Resources Council of America, the President's National Petroleum Council, Acid Rain Clearinghouse Professional Advisory Council, and American League of Anglers. Previously President of South Carolina Wildlife Federation and President of the Southeast Section of the Wildlife Society. Former Professor of Wildlife Biology at Clemson University and Administrator of the Fisheries and Wildlife Sciences program at North Carolina State University. Recipient of South Carolina Wildlife Conservationist of the Year Award in 1977 and North Carolina Conservationst of the Year Award in 1980.

David S. Herrington -- Solana Beach, California. Owner and Chief Executive Officer, North American Construction Company, specializing in development and construction of industrial parks and office complexes. Recipient of California Home Builders' Gold Nugget Award of Merit in 1974. Also recipient of the 1980 American Institute of Architects' Orchid Award, and the 1981 California Building Contractors' Sales and Marketing (SAM) Award. Extensive experience in construction and land use planning.

Lowell N. Jones -- Klamath Falls, Oregon. Owner of Lowell N. Jones Company (contract logging firm). Serves as Right-of-way Consultant to Pacific Power and Light Company. Director, and past President of Pacific Logging Conference and Sierra-Cascade Logging Conference. Director, Western Environmental Trade Association. Recipient of the Eastern Oregon Region Forest Practices Operator of the Year Award. Foundation Board Vice President, Oregon Institute of Technology. Former member of BLM's Medford District Advisory Council. Actively involved in forestry and land management for the last 30 years.

Lawrence J. Kelley -- Houston, Texas. Chairman of the Board, SUPRA Corporation, oil and gas exploration firm. Serves as Board Member of: Digicon Corporation, an international seismic company; International System and Controls; Yukon-Pacific Corporation; Medical Arts Foundation; and Rancheros Visitadores. Member of the President's Task Force on International Private Enterprise. Past President of the Houston Club and Tejas Vaqueros.

Cecil Miller, Jr. -- Tolleson, Arizona. Rancher and Farmer. President, and Board of Directors Member, Arizona Farm Bureau Federation. Member, Board of Directors, and former Vice President, American Farm Bureau Federation. President of the Western Agricultural Insurance Company, Arizona Farm Bureau Marketing Association, and Farm Bureau Service Company of Arizona. Serves as Board Member of the Central Arizona Project, Water and Man, Inc., and Mountain States Legal Foundation. Advisory Member of the National Cotton Council, Arizona Cotton Growers Association, and Governor's Groundwater Management Advisory Group. Former Board Member and Executive Committee Member, American Farm Bureau Service Company and American Agricultural Marketing Association.

Peter Murphy, Jr. -- Springfield, Oregon. President, the Murphy Company, a forest products firm. Serves as Director of the Oregon Forest Industries Council and the Western Forestry Center. Past Chairman of the Board, Timber Operators Council. Former Chairman, and present Council Member, Department of the Interior's Advisory Board on National Parks, Historic Sites and Monuments. Served as Director of the Oregon Logging Conference and the Pacific Logging Conference. Past Member, Oregon Dunes National Recreation Area. Serves as Oregon National Committeeman, and Executive Council Member, Republican National Committee.

Lauro J. Neri -- Chicago, Illinois. Sales and Marketing Consultant, Regensteiner Printing Group. Founder, and former President and Chairman of the Board, Medallion Printers and Lithographers. Former Chairman of the Board for Diamond Litho Company, Sales Engineering, Inc., and F.C.C.H. Presently Commissioner of Los Angeles County's Citizens Economy and Efficiency Commision. Serves as Director of the Foundation for Effective Government and the City of Commerce Industrial Council. Vice President and Trustee, Los Amigos del Pueblo. Director and Executive Board Member, Boy Scouts of America. Member, and former Camp Director, Rancheros Visitadores.

B. Wells O'Brien -- Reno, Nevada. Senior Partner in the law firm of Woodburn, Wedge, Blakey and Jeppson. Former Senior Vice President and Chief Counsel, MCO Properties, Inc. Served previously as Vice President of the Land Trust Department, Transamerica Title Insurance Company. Admitted to practice before the Supreme Courts of Arizona, California, and Nevada and before the United States Supreme Court, United States District Courts (of Arizona and Northern California) and the United States Court of Appeals (Ninth District). Member of the American Bar Association and the State Bar Associations of Arizona, California, and Nevada. Member, Nevada Farm Bureau.

David Schaenen -- Billings, Montana. Counsultant on oil and gas and public land matters. Director and Montana Vice President, Independent Petroleum Association of Mountain States. Director, Executive Committee Member, and past President, Rocky Mountain Oil and Gas Association. Previously Vice President of Mule Creek Oil Company, Exploration Manager for Hancock Enterprises, and Vice President-Oil and Gas Operations for Wesco Resources, Inc. Served as Chairman of the Public Lands Committee, Independent Petroleum Association of America, and as Chairman of the Public Lands Committee, American Association of Petroleum Landmen. Past President, Montana Petroleum Association. Former member of BLM's Montana State Advisory Board and Representative to the Montana Public Lands Review Commission.

Marlene Simons -- Beulah, Wyoming. Rancher. Wyoming State Representative, serving on the Agriculture, Public Lands, and Water Resources Committee, and the Labor, Health, and Social Services Committee. Chairman of the Public Lands Committee, Western Council of State Governments. President, Outdoors Unlimited Inc. Member of the Wyoming State Forest Advisory Board and the State Rights Coordinating Council. Active in Wyoming Stockgrowers Association, Wyoming Woolgrowers Association, 4-H, and the Farm Bureau Federation.

J. William Swan -- Rogerson, Idaho. Rancher. Immediate past President, National Cattlemen's Association. Former President of the Idaho Cattlemen's Association. Served for 10 years as President of the Producers Livestock Association. Previously Director of the National Livestock and Meat Board, and a Board of Directors Member for the National Livestock Producers Association. Former Member of the Forest Service's National Forest System Advisory Committee and BLM's National Public Lands Advisory Council.

Robert R. Wright -- Wells, Nevada. Rancher. Former Regional Vice President of the National Cattlemen's Association. Previously President of the Nevada Cattlemen's Association and the Nevada Land Action Association. Founding President of Wells Rural Electric Company, serving northeastern Nevada and Western Utah. Member, BLM's Elko District Grazing Advisory Board. Previously a member of the Elko County Planning Commission.

11/8/85

AGENDA

Meeting of the
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
November 14 and 15, 1985

Department of the Interior, Room 7000 A&B
18th and C Streets, N.W., Washington, D.C.

Thursday, November 14

8:00 a.m. Call to Order and Announcements
David Schaenen, Council Chairman
Robert F. Burford, Director, Bureau of Land Management

8:15 a.m. Deputy Assistant Secretary's Welcome and Overview
J. Steven Griles, Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior

8:45 a.m. Department Responses to Previous Council Resolutions
Dave Tidwell, Special Assistant to BLM Director Burford

9:30 a.m. Address by Interior Secretary
Donald P. Hodel, Secretary of the Interior

10:30 a.m. Department of the Interior's Park Protection Working Group
Ann D. McLaughlin, Under Secretary of the Interior

11:00 a.m. Riparian Management Policy Update
Bill Templeton, Rangeland Resources Division Chief, BLM

11:30 a.m. Experimental Stewardship Program Report
Bill Templeton, Rangeland Resources Division Chief, BLM

12:00 p.m. Lunch

1:00 p.m. Public Statement Period
This period provides an opportunity for members of the public to address the Council regarding national public lands issues on the meeting agenda. Speakers are asked to submit a copy of their written testimony prior to oral delivery so that the Council will be prepared to respond or answer questions. Written statements alone may also be filed with the Council. Depending on the number of people who wish to address the Council, it may be necessary to limit the length of oral presentations.

2:00 p.m. Energy and Minerals Program Update
- Federal Onshore Oil and Gas Leasing
- Federal Coal Leasing

John Latz, Deputy Director for Energy and Mineral Resources, BLM

ATTACHMENT B

2:30 p.m. Meeting of Council Subcommittees
Lands Subcommittee
Energy and Minerals Subcommittee
Renewable Resources/Administrative Subcommittees (combined)

5:00 p.m. Recess until Friday morning

Friday, November 15

8:00 a.m. Call to Order and Announcements
Chairman Schaenen

8:15 a.m. Worst Case Analysis Regulations -- Past and Future
- Revision of CEQ Regulations on Worst Case Analysis
  A. Alan Hill, Chairman, President's Council on Environmental Quality
- Noxious Weed EIS and Vegetation Control EIS
  Lewis Waters, Pest Management Specialist, BLM

9:00 a.m. Wild Horse and Burro Program Update
John Boyles, Wild Horse and Burro Division Chief, BLM

9:30 a.m. Council Old and New Business
- Withdrawal Review Update
- Status of Cooperative Management Agreement (CMA) Litigation (NRDC vs. Hodel)
- Discussion of Agenda for Future Council Meetings
- Other

10:00 a.m. Meeting of Council Subcommittees

12:00 p.m. Lunch

1:00 p.m. Report from Subcommittees to Full Council; Consideration of Council Resolutions

5:00 p.m. Adjourn

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Issues for Subcommittee Discussions

Lands Subcommittee
- o Secretary Hodel's Public Lands Educational Campaign

Renewable Resources/Regulatory Subcommittees (combined)
- o Riparian Area Management Policy

Energy and Minerals Subcommittee
- o Proposed Oil and Gas Leasing Legislation -- and related issues

DRAFT

ATTACHMENT C

Bureau of Land Management
Riparian Area Management Policy

BACKGROUND

Riparian areas are unique and among the most productive and important ecosystems, comprising only 1 percent of the public lands, but affecting most other resource uses and values. Characteristically, riparian areas display a greater diversity of plant and animal species and vegetation structure than adjoining ecosystems. Healthy riparian systems filter and purify water as it moves through the riparian area, reduce sediment loads and enhance soil stability, provide microclimatic moderation when contrasted to extremes in adjacent areas, and contribute to groundwater recharge and base flow.

DEFINITIONS

Riparian Ecosystem - the transition area between the aquatic ecosystem and terrestrial ecosystem, identified by soil characteristics and distinctive vegetation communities that require free or unbound water.

Aquatic Ecosystem - the stream channel, lake or estuary bed, water, biotic communities and the habitat features that occur therein.

Riparian Area - a geographically delineated area with distinctive resource values and characteristics that are comprised of the aquatic and riparian ecosystems. Riparian areas may be associated with lakes, reservoirs, estuaries, potholes, springs, bogs, wet meadows, muskegs, and ephemeral, intermittent, or perennial streams.

Riparian Area-Dependent Resources - resources such as fish, certain wildlife, water, and vegetation that owe their existence to the riparian area.

OBJECTIVE

The objective of riparian area management is to maintain, restore, or improve riparian areas to achieve a healthy and productive ecological condition for maximum long-term benefits and values.

POLICY STATEMENTS

In order to meet the foregoing objective the Bureau will:

- Maintain a current ecological inventory of all riparian areas, quantifying physical and biological condition and estimated potential.
- Ensure that resource management plans and activity plans recognize the importance of riparian areas and initiate management to maintain, restore, or improve their distinctive values.
- Give preference to values associated with riparian areas and riparian area-dependent resources when unresolvable conflicts among land use activities occur.
- Tailor management of riparian areas to site-specific characteristics and settings.
- Give priority to monitoring and evaluating management activities in riparian areas and revise management practices where site-specific objectives are not being met.
- Cooperate with and encourage the involvement of all interested Federal, State, and local governments and private parties to share information, coordinate activities, and provide education on the value, productivity, and management of riparian areas.
- Retain riparian areas in public ownership unless disposal would be in the public interest.
- Conduct research and studies needed to ensure that riparian area management objectives can be properly defined and met.

_____ Director

_____ Date

Statement by:

Gerald Tews

Chairman,

Grazing Fee Task Force

Public Lands Council

Presented to:

National Public Lands Advisory Council

November 14, 1985

Washington, DC

ATTACHMENT D

My name is Gerald Tews. I am a public land rancher in Idaho and I am chairman of the Grazing Fee Task Force of the National Public Lands Council. The task force is composed of representatives of the Public Lands Council, the National Cattlemen's Association, the National Wool Growers Association, and the various state livestock associations in the Western states. The task force has been working on the federal grazing fee study and the grazing fee issue for the last seven years. I am here to give you a brief status report on the grazing fee issue from the livestock industry's perspective.

As you know, there has been an attempt in Congress to write an omnibus public rangelands bill which would include a formula establishing a method for determining what fees would be charged ranchers each year for grazing livestock on BLM and Forest Service rangelands in the Western states. I had hoped that by this time we would have had such legislation enacted and ranchers would know what levels of fees they are going to have to pay in the future. Unfortunately, we don't yet have such a bill.

Our latest report is the House and Senate committee staff are still trying to write a bill that is acceptable to the key Congressmen of both parties in the House and Senate. Such a the bill should sail through both the House and Senate with relative ease, even though there are not many days left in the Congressional session..

For a number of months we have been meeting with several environmental or conservation organizations in am attempt to reach a consensus on

talk of fees increasing severalfold. The value of ranches involving public land leasing have decreased dramatically and sales of such ranchers have virtually halted. Who wants to make a loan to a public land rancher or to buy a public land ranch when it is not known how high the fee might go even if livestock prices continue to decline?

The livestock industry's position on grazing fees is this: the current formula, should be retained with the indices based on the 1964-68 period and not on the 1980-84 period in which livestock prices and land prices were extremely unstable. That formula does represent fair market value; it does result in a fee of fair market value and it has worked as intended. It has raised fees to as high as $2.41 per AUM when beef prices were higher and the market value of the forage was worth more. The fee has gone down since but that's because the formula has tracked the decrease in beef prices and the rise in production costs, or, in other words, it has followed the decline in the fair market value of the forage. As far as livestock grazing is concerned, the value of what BLM is selling--forage--depends upon the value of the product of that forage, i.e., livestock. If we make more from that product, then we are willing to pay more for the forage that produces that product.

Today, we are paying $1.35 per AUM fot the forage although most public land ranchers are losing money on the product.

Under the current formula, we will pay a higher fee as beef prices rise--in the future--as they must rise or none of us will be around to pay the fees.

The current formula, mandated by law, expires this year and if Congress does not pass new legislation, then the Departments of Agriculture and the Interior must set the fee for next year. There probably are some ranchers who think that this wouldn't be bad because they can't conceive of the Administration's increasing fees at a time when public land ranchers are going out of business right and left.

Most ranchers however, want more that just a short term action. The main problem with administrative action is that it doesn't bring stability to the fee issue.

Also, administrative action wouldn't end attempts in Congress to increase the fees without regard to forage values.

Of course, legislated fees could always be changed by a new Congress. However, we believe a law would be likely to last for a longer time, than any administrative action. It would result in more certainty and stability. If Congress passes a bill, it is not likely to want to reopen the issue any time soon after. Therefore, we very much prefer legislation over administrative action.

In conclusion, let me express the opinion that it is unfortunate that fees are so controversial and misunderstood. This issue is detracting attention from the need to improve our public land resources for all multiple uses.

We hope we can get a legislative bill that will give stability to the public land rancher and be constructive in addressing other important public rangeland resource issues.

NATIONAL
CATTLEMEN'S
ASSOCIATION

1301 Pennsylvania Avenue, N.W.
Suite 300
Washington, D.C. 20004
(202) 347-0228

Statement by:

James Courtney

Chairman,

Public Lands Committee

NATIONAL CATTLEMEN'S ASSOCIATION

Presented to:

National Public Lands Advisory Council

November 14, 1985

Washington, DC

My name is James Courtney. I am chairman of the Public Lands Committee of the National Cattlemen's Association. I would like to comment on the criticism that BLM's grazing management program is not cost efficient because fee receipts are less than the cost of the program. In fiscal 1985, the amount appropriated for this program was $31.6 million and receipts were $16.1 million.

The budget figures don't tell the whole story, however. They don't measure the indirect or secondary benefits which should be part of any cost-benefit analysis. They also do not prorate the costs of range investments between grazing and other uses benefited by such investments, such as wildlife and watershed values.

By law, BLM can't manage thee public lands for grazing alone. BLM's management costs are higher than the grazing management costs of private landowners and for good reasons. Grazing must be managed to benefit multiple uses. When the range is improved for grazing, other uses are also enhanced, whether by design or incidentally. Since the passage of the multiple-use statutes, the cost of the range program has soared.

Therefore, to measure the benefits of BLM's range program, one must count--in addition to the livestock benefits--the values that accrue to other uses: wildlife, watershed, recreation, etc. This should include not only the benefits from the federal dollars spent but also all the benefits

that come from the private dollars invested by the permittees in public land improvements.

Unfortunately, those measurements are not now being done in a proper manner and one reason they are not being done is we really don't know very much about such multiple-resource interactions and how to apply cost-benefit analysis to natural resource activities.

Besides these multiple-use values, other indirect benefits that result from the existence of grazing on the public lands are the jobs and enterprises which are dependent in whole or in part upon the livestock activity: equipment dealers, feed stores, banks, veterinarians, local schools, etc. We should consider such impacts due to the circulation of new wealth in local and state economics.

There is another aspect of the range program which is sometimes overlooked and undervalued in economic terms. Spending money to improve the productivity of renewable resources on public lands is a long-term investment. Range improvement or protection investments may not result in immediate payouts or benefits: grazing may not increase immediately, wildlife may not increase in the first year, watershed improvements may not be immediately apparent, etc. The values gained from a range investment often are incremental....stretching out over a long time frame, perhaps for hundreds of years.

Contrast this with spending on mineral development, such as gas and oil. BLM energy programs certainly appear to be cost efficient but remember that mineral development results in a relatively short-term payout period--a few decades--and once the resource is depleted, it's gone forever.

Unfortunately, the application of discount rates to costs and benefits that accrue over a long period of time discourages any long-term investments to protect and enhance our renewable resources. Under this logic, it is not worth preserving a healthy and productive environment for future generations.

I would add that the cost-benefit ratio is improved when the cooperative contributions that the grazing permittees make to improvements

on the public lands and the stewardship that the permittees provide at no cost to the government are recognized.

In summary we believe the BLM grazing program does have a favorable cost-benefit ratio if all benefits were counted as they should be. We believe the grazing program is cost efficient. More research and effort, however, must be made by BLM to identify and quantify the multiple benefits that result from investments in range resource programs. At a time of tight federal budgets and shifting spending priorities, BLM must do a better job of justifying its renewable resource programs in economic terms.

We urge you to recommend that the agency support such research and programs to properly identify and quantify all the values derived from livestock grazing on the public lands.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

May 16, 1986

WILDERNESS AND WATER RIGHTS

Resolution of the National Public Lands Advisory Council

WHEREAS: The United States District Court for the District of Colorado has ruled in Sierra Club v. Block that the Congressional designation of wilderness reserves a Federal water right; and

WHEREAS: The economic well-being of the West requires adequate supplies of water in the future; and

WHEREAS: Many western rivers and streams are already over-appropriated; and

WHEREAS: BLM is presently reviewing approximately 25 million acres of public land for possible inclusion in the National Wilderness Preservation System; and

WHEREAS: A great deal of probable BLM administered wilderness will be downstream of locations where future water appropriations will be required; and

WHEREAS: The District Court decision would thwart such future water appropriations upon the designation of BLM administered wilderness.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council urges the Department of the Interior to oppose any additions to the National Wilderness Preservation System until Congress enacts legislation renouncing any intent to reserve water rights in designating wilderness.

RESOLUTIONS OF THE NATIONAL PUBLIC LANDS ADVISORY COUNCIL

May 16, 1986

Gillette, Wyoming

BLM Library
Bldg. 50
Denver Federal Center
P.O. Box 25047
Denver, Colorado 80225